

STATE AND TRIBAL GOVERNMENT WORKING GROUP (STGWG)
Arlington, Virginia
November 28-30, 2006

MEETING NOTES

STGWG EXECUTIVE SESSION
November 28, 2006

OPEN DISCUSSION WITH MELISSA NIELSON

- Melissa: Implementation Framework update: Getting other offices to join slowed the process somewhat, but should be worth the time. They are hoping to get everything completed before the next STGWG meeting.
- Tom Winston: Comments were made about changes that may need to be made once it comes out. Certainly want to see a tribal summit; STGWG as a whole would like to see that message taken back to higher management. Tribes would like to have an integral role in helping to plan/prepare for it.
- Waste disposition: Interested in seeing the next steps. STGWG has a willingness to help in moving forward with the forthcoming strategies.
- Tom Winston: Utah: There is a strong interest in seeing them possibly participate, but there's still a little "pause" in order to address Melissa's stated concerns. Energy Solutions is such a major player; it's a key organization that isn't at the table. Have Melissa talk to Mike Wilson about his discussions with Utah, and possibly put on agenda for STGWG spring meeting. Utah could then decide whether they want to participate with DOE's blessing.
- Melissa's reservations: Utah hasn't approached them. DOE has established relationships with other states, but not with Utah.

STGWG OPEN SESSION WITH U.S. DOE
November 30, 2006

- Melissa Nielson: Rispoli and everyone's doors are always open for tribal leaders; looks forward to hearing from people in the coming months.
- Tom Winston: NCSL acting as a team in place of Denise Griffin. Nithin Akuthota will be the main, single contact.

REPORT OUT FROM TRIBAL/DOE SESSION AND THE TRIBAL ISSUES COMMITTEE

Peter Chestnut

- Implementation Framework update: EM, NE NNSA, and Science are all joining onto it; should be signed off by February. There has been great cooperation by Brandt and Melissa, along with everyone else.
- Discussion about Tribal Summit: Michael Richard requested that tribes request a summit; tribes would like to have full STGWG support for a summit. Maybe look at a two day summit rather than a half day like last time (in 2004). Second day could be used for energy issues other than nuclear waste. Peter is willing to work on a draft letter. Maybe coordinate with the spring STGWG meeting, with the hope of having a summit in the summer.
- EPO Act of 2005: Rights-of-Way Study is being revised. Energy corridors should be of interest to the whole STGWG and states; maybe discuss this further at the spring STGWG meeting.
- Nobody really knows what the new Office of Indian Energy Policy is supposed to do, or who asked for it (DOE says it didn't ask for it). NCSL will look into Congressional intent (i.e., legislative history) regarding the new office.
- GNEP looks like it could have impacts on tribes; could use more education about it.
- Implementation Framework: Hope to work on a common evaluation from the tribal side; look at how it's being received by the people it's supposed to be serving, rather than just having DOE evaluate it once it is implemented.
- Tom Winston: STGWG supports having a summit in 2007. Being no different from the past, STGWG tribes should be involved in the planning of one.
- Neil Weber: We need to ensure that we're not requesting just a summit, but rather that DOE adhere to its own Policy.
- Michael Richard: "Periodic" for their purposes means "as needed." He appreciates the opportunity to again participate.
- Tom: Frame a letter where we expect a summit to occur and that STGWG tribes participate in the planning. Word it so it is clearly expressed that it's something we feel strongly about. Need to keep the concept moving forward because it is indeed needed.
- On a sad note, it was announced that Donna Powauke of the Nez Perce passed away. A moment of silence was held in her memory.

REPORT OUT FROM NGA SESSION

Mike Wilson

- Spent time addressing upcoming issues, with the primary one being waste disposition. Talked about having periodic conference calls with Christine Gelles. Also talked about comments on the next/official draft. Looking to see how their comments were incorporated and go from there. Also talked about Legacy Management and comments on LTS strategic plan. Looking at clarity and reaching goals between EM and LM, and funding for states in particular. Going to Savannah River Site for the spring meeting, and will take a tour.
- Tom: Make sure to share input from NGA on waste disposition with STGWG. Can help frame issues for STGWG; can benefit from collective comments.

I AND D COMMITTEE

Mike Wilson

- Mike: Has been talking with Gabe Bohnee over the last month. States have been working through NGA, and he's been forwarding those comments to Gabe. (Tribal rep for Integrations and Disposition Committee). There will be an opportunity to respond to the official draft once it comes out. I and D committee can respond (for/through STGWG).
- Peter: Heard that the draft that will be put out will essentially be the same draft. Coordinate with NCSL to get comments accumulated and send out to full STGWG group. "Highlight" the big picture rather than just having individual state comments. Put into a STGWG perspective rather than just NGA.
- Bob: Goal of conference call with Christine is to garner whether their comments will be incorporated, and whether DOE will respond to them or not

TRANSPORTATION OVERVIEW AND THE TRANSPORTATION COMMITTEE REPORT

Ken Niles

- Ken: (powerpoint): 5000 shipments to WIPP; 6 million miles traveled. Schedule of shipments for December/January. WGA recommended a full-scale fire test on the new cask. He's never seen a DOE schedule for transportation come through; has always been much later. Yucca Mountain: DOE talked about the new schedule; plan to begin rail construction (whether Caliente or Mina) about three years from now; will take four and a half years; anticipate shipments by 2017. Issues/concerns: a lot of discussions between DOE/tribes/states, primarily through TEC. Main issue of consternation: every year somebody in Congress will introduce something that will have shipments begin, somewhere, within a couple of years, with no regard to current infrastructure. There is a lack of

thought into some proposed legislative bills. States will wait and not worry until legislation is actually enacted. It's really a seven year process to prepare for a shipment campaign of this magnitude; can't do it within two or three. Mina route would have significant impacts on western as well as southern states. Next TEC meeting (Jan 31-Feb 1, 2007) will be in Atlanta—primary forum for transportation issues. Comment period on transportation practices manual is closed—currently going through DOE process. Next big issue TEC will work on is routing. Midwestern states have already composed the likely routes to be used. Western states have basically said it's DOE job to do; they'll respond once the proposed routes come out. There is not any pending crisis with transportation planning. DOE interaction has been really good with interested parties. Lots of planning/discussions/agreements yet to come, but transportation planning is one of the success stories of good relationships that DOE has built.

- Tom: Focus of STGWG Transportation Committee?
- Ken: Keep everybody up to speed; other forums are out there to deal with this issue on a much greater level.
- Tom Bailor: Jay (Jones) has really gone out of his way to be way ahead of schedule. No real concerns.
- Willie: They have done a good job of contacting tribes, but wonders whether tribes really understand what this is all about. Need to get the other tribes to the meetings besides the ten or eleven that currently show up.
- Tom: Nez Perce and Yakama should be on the list, but currently are not (Columbia River issues).
- Willie: If can identify routes, then can determine which tribes might be affected, whether by land rights, treaty right, aboriginal rights.
- Kathleen Trevor: There are a lot of other regional groups out there that deal with transportation issues on a large basis, so STGWG may not want to get more involved with this issue. Stay informed, but don't expand; stay focused on STGWG's main focus.

LONG-TERM STEWARDSHIP COMMITTEE

John Owsley

- From Tennessee's perspective, would like input from group about other aspects of LTS than that which has been previously applied. Look at closed sites, and maintain observance of these sites. Will be looking at closed sites to see how effective institutional controls are. Will focus on this for this fiscal year.

- Neil: Need to track LTS and LM and how they are scattered throughout the sites. Need to keep track within the department of who has responsibility and make sure it remains an active issue. There is an April 4, 2007 summit in San Diego on LTS; encourage this committee to work with Dave Geiser (??) on this agenda and such. Good mechanism to stay informed on this issue.
- Tom: Group has struggled for years to get a hand on LTS. Best so far were presentations in Idaho, but other meetings haven't had an effective umbrella for the LTS issue. Maybe see if there's an opportunity for STGWG Committee to participate in this meeting. Maybe do a white paper on how to apply LTS, especially relating to LM. Issue is now on Rispoli's mind after meeting with tribes. Nobody can really answer the question on how to make a cohesive LTS/LM program.
- Melissa: It's a great idea to send one or two people to the conference to bring back info to STGWG. Dave Geiser stated that LTS is a site-by-site issue (whether EM, Science, NE, etc). LM limited to those sites where DOE no longer has a continuing mission. Varies site by site, and program by program, so can't deal with it in "one" perspective.
- Bob: LM was clearly given some visibility over each of those offices. LM probably has the expertise to help provide guidance for each program.
- Tom: Need to come to grips on how to have meaningful input for the department with all this in mind. Check with NCSL to see if STGWG can fund this line of action.
- John: Advocates that STGWG fund travel for someone to pursue LTS issue.

WRAP-UP

- Where go from here?
- Next meeting: possibly Utah (Energy Solutions tour); good opportunity to open dialogue with Utah. Oak Ridge. Leave up to Executive Committee to decide.
- Intergovernmental Meetings conjunction: does it work for STGWG?
- Neil: Has noticed a decline in full STGWG attendance. Have NCSL look at attendance over the past few years; seems to be more participation when just STGWG only.
- Question remains as to whether joint (Intergovernmental Groups) meeting meets STGWG's needs.
- Kathleen: Different groups have different main focuses, so hard to get into substantive discussions about issues of biggest importance for each group.

- C: Hard to get to the details we need to get to; maybe good to get senior DOE management away from Washington so they have more time to spend with us; there will always be tradeoffs. Appreciate their efforts to be here, but easy for them to go back to the office.
- Willie: Appreciates seeing tribal participation, but also has noticed a decline in participation. Hopes to at least have Implementation Framework signed by spring meeting. Will have a conference call to discuss a letter requesting a summit.